IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 13911 of 2005

Between:

Sri Narasimha Swamy Talkies,

rep., by its Managing Partner Vallabhaneni Appa Rao, Tutakulingannapeta Village, (T.L. Peta) Enukur Mandal, Khammam District.

..... PETITIONER

AND

1 The Joint Collector,

Khammam,

Khammam District.
2 The Revenue Divisional Officer,

Kothagudem, Khammam District.
3 The Mandal Revenue Officer,

Enukur Mandal, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in suspending the B Form License of the Petitioner theater vide Rc.No.C2/5952/02 dt.23.6.2005 as arbitrary, illegal and violative of principles of natural justice and also against section 10 (2) (b) of A.P.Cinema Regulation Act.

Counsel for the Petitioner: Mr. P.RAVI SANKAR

Counsel for the Respondents: GP FOR HOME

The Court, at the stage of admission, made the following :

ORDER:

The petitioner's B-form licence to run the theatre has been suspended by the impugned order, dated 23-06-2005, on the ground that specified irregularities have been noticed on the inspection of the theatre on 13-05-2005 by the Revenue Divisional Officer concerned. Assailing the order of suspension, on the ground that it was done without affording an opportunity and therefore contrary to the provisions of Section 10(2)(b) of the
A.P. Cinemas (Regulation) Act, 1955 (for brevity, "the Act"), the Writ Petition is filed.

2. Section 10(4) of the Act enacts that as against an order of the licensing authority, suspending the licence under
sub-Section (2) of the Act, the appeal lies to the Government.

3. In view of the availability of an alternative remedy of appeal to the Government, the Writ Petition is disposed of to enable the petitioner to avail the alternative remedy.

4. Accordingly, the Writ Petition is disposed of.

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(GODA RAGHURAM,J)

29th June, 2005.

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To

1 The Joint Collector,

Khammam,

Khammam District.

2 The Revenue Divisional Officer,

Kothagudem, Khammam District.

3 The Mandal Revenue Officer,

Enukur Mandal, Khammam District.

4 Two CCs to the G.P for Home, High Court Buildings,

Hyderabad (OUT)

5 Two CD copies.